

# UNITED STATES DISTRICT COURT

## District of Massachusetts

UNITED STATES OF AMERICA

V.

DAVID M. BEAULIEU

**JUDGMENT IN A CRIMINAL CASE**Case Number: **1: 04 CR 10358 - 001 - GAO**

USM Number: 25507-038

LESLIE FELDMAN-RUMPLER, ESQUIRE

Defendant's Attorney



Additional documents attached

**THE DEFENDANT:**☒ pleaded guilty to count(s) 1 and 2 (Plea: 6/29/06)☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Additional Counts - See continuation page ☐

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC sec. 471	Manufacturing Counterfeit Obligations or Securities of U.S.	09/06/04	1
18 USC sec. 472	Passing and Uttering Obligations or Securities of the U.S.	09/06/04	2

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

02/20/07

Date of Imposition of Judgment

/s/ George A. O'Toole, Jr

Signature of Judge

The Honorable George A. O'Toole  
Judge, U.S. District Court

Name and Title of Judge

February 21, 2007

Date

DEFENDANT: **DAVID M. BEAULIEU**

CASE NUMBER: **1: 04 CR 10358 - 001 - GAO**

**ADDITIONAL COUNTS OF CONVICTION**

<u><b>Title &amp; Section</b></u>	<u><b>Nature of Offense</b></u>	<u><b>Offense Ended</b></u>	<u><b>Count</b></u>
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DEFENDANT: **DAVID M. BEAULIEU**  
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**PROBATION**

☒ See continuation page

The defendant is hereby sentenced to probation for a term of :                    2    year(s)

The defendant is to serve the first six months in home detention with electronic monitoring and pay the daily fee for each day under electronic monitoring. The defendant is responsible for returning the monitoring equipment in good condition and may be charged for replacement or repair of the equipment.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed 104 tests per year, as directed by the probation officer.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**ADDITIONAL ☐ SUPERVISED RELEASE ☒ PROBATION TERMS**

The defendant is to participate in a program for substance abuse as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment.

**Continuation of Conditions of ☐ Supervised Release ☐ Probation**

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ <u>200.00</u>	\$ <u>2,500.00</u>	\$ <u>      </u>

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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☐ See Continuation  
Page

<b>TOTALS</b>	\$ <u>0.00</u>	\$ <u>0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The fine is to be paid in a lump sum or by a payment schedule set up by probation, or, if necessary, by the court after a hearing.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

☐ See Continuation  
Page

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

("Hewlett Packard Scanjet, 'All in One Copier,' serial number Q3434A').

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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## STATEMENT OF REASONS

### I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- A ☒ **The court adopts the presentence investigation report without change.**
- B ☐ **The court adopts the presentence investigation report with the following changes.**  
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)  
(Use Section VIII if necessary.)
- 1 ☐ **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):
- 2 ☐ **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- 3 ☐ **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- 4 ☐ **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
- C ☐ **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.**

### II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

- A ☒ No count of conviction carries a mandatory minimum sentence.
- B ☐ Mandatory minimum sentence imposed.
- C ☐ One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
- ☐ findings of fact in this case
- ☐ substantial assistance (18 U.S.C. § 3553(e))
- ☐ the statutory safety valve (18 U.S.C. § 3553(f))

### III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: 9  
Criminal History Category: IV  
Imprisonment Range: 12 to 18 months  
Supervised Release Range: 2 to 3 years  
Fine Range: \$ 1,000 to \$ 10,000  
☐ Fine waived or below the guideline range because of inability to pay.

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DISTRICT: **MASSACHUSETTS**

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## STATEMENT OF REASONS

### IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- A ☐ The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.
- B ☐ The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.  
(Use Section VIII if necessary.)
- C ☐ The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.  
(Also complete Section V.)
- D ☒ The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

### V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

A The sentence imposed departs (Check only one.):

- ☐ below the advisory guideline range  
☐ above the advisory guideline range

B Departure based on (Check all that apply.):

1 **Plea Agreement** (Check all that apply and check reason(s) below.):

- ☐ 5K1.1 plea agreement based on the defendant's substantial assistance  
☐ 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program  
☐ binding plea agreement for departure accepted by the court  
☐ plea agreement for departure, which the court finds to be reasonable  
☐ plea agreement that states that the government will not oppose a defense departure motion.

2 **Motion Not Addressed in a Plea Agreement** (Check all that apply and check reason(s) below.):

- ☐ 5K1.1 government motion based on the defendant's substantial assistance  
☐ 5K3.1 government motion based on Early Disposition or "Fast-track" program  
☐ government motion for departure  
☐ defense motion for departure to which the government did not object  
☐ defense motion for departure to which the government objected

3 **Other**

- ☐ Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

C **Reason(s) for Departure** (Check all that apply other than 5K1.1 or 5K3.1.)

- |                                                                                    |                                                                  |                                                                         |
|------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy                         | <input type="checkbox"/> 5K2.1 Death                             | <input type="checkbox"/> 5K2.11 Lesser Harm                             |
| <input type="checkbox"/> 5H1.1 Age                                                 | <input type="checkbox"/> 5K2.2 Physical Injury                   | <input type="checkbox"/> 5K2.12 Coercion and Duress                     |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills                     | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury      | <input type="checkbox"/> 5K2.13 Diminished Capacity                     |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition                      | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint   | <input type="checkbox"/> 5K2.14 Public Welfare                          |
| <input type="checkbox"/> 5H1.4 Physical Condition                                  | <input type="checkbox"/> 5K2.5 Property Damage or Loss           | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense         |
| <input type="checkbox"/> 5H1.5 Employment Record                                   | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon        | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon     |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities                    | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang                     |
| <input type="checkbox"/> 5H1.11 Military Record, Charitable Service,<br>Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct                   | <input type="checkbox"/> 5K2.20 Aberrant Behavior                       |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances             | <input type="checkbox"/> 5K2.9 Criminal Purpose                  | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct         |
|                                                                                    | <input type="checkbox"/> 5K2.10 Victim's Conduct                 | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders          |
|                                                                                    |                                                                  | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment        |
|                                                                                    |                                                                  | <input type="checkbox"/> Other guideline basis (e.g., 2B1.1 commentary) |

D **Explain the facts justifying the departure.** (Use Section VIII if necessary.)



DEFENDANT: **DAVID M. BEAULIEU**  
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DISTRICT: **MASSACHUSETTS**

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## STATEMENT OF REASONS

### VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM

(Check all that apply.)

**A The sentence imposed is** (Check only one.):

- ☒ below the advisory guideline range  
☐ above the advisory guideline range

**B Sentence imposed pursuant to** (Check all that apply.):

**1 Plea Agreement** (Check all that apply and check reason(s) below.):

- ☐ binding plea agreement for a sentence outside the advisory guideline system accepted by the court  
☐ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable  
☐ plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system

**2 Motion Not Addressed in a Plea Agreement** (Check all that apply and check reason(s) below.):

- ☐ government motion for a sentence outside of the advisory guideline system  
☐ defense motion for a sentence outside of the advisory guideline system to which the government did not object  
☐ defense motion for a sentence outside of the advisory guideline system to which the government objected

**3 Other**

- ☐ Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):

**C Reason(s) for Sentence Outside the Advisory Guideline System** (Check all that apply.)

- ☒ the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)  
☐ to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))  
☒ to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))  
☒ to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))  
☒ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))  
☐ to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))  
☐ to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

**D Explain the facts justifying a sentence outside the advisory guideline system.** (Use Section VIII if necessary.)

The sentence imposed is sufficient but not greater than necessary to punish the particular offenses of this defendant and to protect the public from further crimes. In addition, refer to the statement of reasons made on the record in open court, a transcript of which is attached and incorporated herein.

DEFENDANT: **DAVID M. BEAULIEU**  
CASE NUMBER: **1: 04 CR 10358 - 001 - GAO**  
DISTRICT: **MASSACHUSETTS**

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**STATEMENT OF REASONS****VII COURT DETERMINATIONS OF RESTITUTION**

- A ☒ Restitution Not Applicable.
- B Total Amount of Restitution: \_\_\_\_\_
- C Restitution not ordered (Check only one.):
- 1 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
  - 2 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
  - 3 ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
  - 4 ☐ Restitution is not ordered for other reasons. (Explain.)
- D ☐ Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

**VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE** (If applicable.)

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: 000-00-2121Date of Imposition of Judgment  
02/20/07Defendant's Date of Birth: 00-00-1971/s/ George A. O'Toole, JrDefendant's Residence Address: 46 Dover Street  
Portsmouth, NH 03801Signature of Judge  
The Honorable George A. O'Toole Judge, U.S. District CourtDefendant's Mailing Address: Same as above.Name and Title of Judge  
Date Signed February 21, 2007

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UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID M. BEAULIEU,

Defendant.

Criminal Action  
No. 04-10358-GAO

TRANSCRIPT OF  
STATEMENT OF REASONS

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

United States District Court  
John J. Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210  
February 20, 2007  
2:12 p.m.

\* \* \* \* \*

SHELLY M. KILLIAN, CM  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
1 Courthouse Way, Room 3510  
Boston, MA 02210  
(617) 737-7117

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APPEARANCES:

For the Plaintiff:

Paul R. Moore  
United States Attorney's Office  
John Joseph Moakley Federal Courthouse  
1 Courthouse Way, Suite 9200

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5 Boston, Massachusetts 02210

6 For the Defendant:

7 Leslie Feldman-Rumpler, Esq.  
Law Office of Leslie Feldman-Rumpler  
8 101 Tremont Street, Suite 708  
Boston, Massachusetts 02108  
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1 P R O C E E D I N G S

2 (The following proceedings were held in open court  
3 before the Honorable George A. O'Toole, Jr., United States  
4 District Judge, United States District Court, District of  
5 Massachusetts, at the John J. Moakley United States Courthouse,  
6 1 Courthouse Way, Boston, Massachusetts, on February 20, 2007.

7 The defendant, David Beaulieu, is present with  
8 counsel. Assistant United States Attorney Paul Moore is  
9 present.)

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10 THE COURT: There are a number of factors in the  
11 statute besides the recommendation of the guidelines. One  
12 is -- relates to the nature and seriousness of the offense, the  
13 need to promote respect for the law, and to provide a just  
14 punishment for the offense. This -- as a categorical matter,  
15 this offense can exist in a wide range of seriousness, from  
16 sort of high production, high-quality counterfeiting to back  
17 room, low quality. And I think in this cases it's the latter  
18 rather than the former. I think that's stipulated, that it  
19 actually was one of the points of consideration in the  
20 guidelines, whether there should be an adjustment for the  
21 manufacturing of two levels up, but that's not to be given  
22 where the quality of the counterfeiting is so poor that it's  
23 immediately detectable. So I take it that that's a fact that  
24 is agreed to.

25 Both specific and general deterrence is always an  
4  
1 important consideration. I think general deterrence remains a  
2 consideration in this case. Specific deterrence perhaps, given  
3 the track record since the date of the offense that the  
4 defendant has shown, specific deterrence is perhaps a lesser  
5 consideration here than it is in other circumstances.

6 One of the other factors is the types of sentences  
7 that are available, alone or in combination, that can be  
8 employed. And overriding all of those considerations is the  
9 general principle that the sentence should be sufficient but  
10 not greater than necessary to accomplish those objectives. I  
11 think that the sentence should be careful to not disrupt the  
12 progress that is being made, but at the same time there is a  
13 need for a punishment aspect to it.

14 So I'll accept the recommendation that there be

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15 probation, but I think there will have to be a condition of  
16 home confinement added to that for the first six months at the  
17 expense of the defendant. And I also think, again given  
18 consideration of the statutory factor of the variety of  
19 penalties or kinds of sentence that can be imposed, I think a  
20 fine is appropriate in this case. Partly because it's a  
21 monetary crime and I think that's fitting. And partly in view  
22 of the fact that I am not accepting the advice of the  
23 guidelines for immediate incarceration. And partly further in  
24 light of the fact that there was no financial information  
25 provided and, therefore, it's not to be determined that he's

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1 unable to pay a fine. So I think a fine in the amount of  
2 \$2,500 is an appropriate fine for these circumstances.

3 So, Mr. Beaulieu, if you'd stand, please.

4 On your conviction of these offenses and pursuant  
5 to the Sentencing Reform Act of 1984, it is the judgment of the  
6 Court that you be and you hereby are placed on probation for a  
7 period of two years, the first six months -- it will be a  
8 condition of your probation that the first six months of your  
9 term of probation be spent in home confinement on electronic  
10 monitoring. And you are to pay for the cost of daily  
11 monitoring at the usual rate. I don't know what it is at this  
12 point in time.

13 PROBATION OFFICER: You just put the daily rate.

14 THE COURT: Whatever the applicable daily rate is.  
15 While you are on probation, you shall not commit any other  
16 federal, state, or local crimes. You shall refrain from the  
17 unlawful use of any controlled substances and shall submit to a  
18 drug test within 15 days of the commencement of your term of  
19 probation and at least two periodic drug tests thereafter as

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may be directed by your probation officer, not to exceed a total of 104 tests in any given calendar year. If directed to do so, you are to participate in any program for substance abuse treatment or counseling, which program may also include random testing to determine whether you have reverted to the abuse of alcohol or drugs. Those tests, again, may not exceed

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a total of 104 in any given year.

You shall comply with all the standard conditions that pertain to probation as set forth in the sentencing guidelines at Section 5B1.3(c). They're incorporated by reference and will be set forth at length in the judgment.

You are prohibited from possessing a firearm, destructive device, or other dangerous weapon. You shall submit to the collection of a DNA sample at the direction of the probation office.

There will be a fine of \$2,500 that can be paid in a lump sum or, if not, according to a schedule that can be agreed upon between you and your probation officer or in the absence of an agreement can be set by the Court after hearing. Further, there is a special assessment of \$100 on each of the two counts of conviction for a total of \$200.

PROBATION OFFICER: The probation office would ask the Court to add to the electronic monitoring condition that he return the equipment in good working order and that if he fails to do so, he be responsible for the replacement or repair cost.

THE COURT: Fine, I'll add that as well as a condition.

You understand that condition?

THE DEFENDANT: (Nods head.)

MS. FELDMAN-RUMPLER: Your Honor, does that allow

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25 him to work during that six-month period?

7

1 THE COURT: Yes. Yes, he'll be allowed to go to  
2 work.

3 Now, in the plea agreement you've agreed to waive  
4 certain rights you have to appeal. To the extent you have a  
5 right to appeal, you must file a notice of appeal within ten  
6 days from the entry of judgment. If you are unable to afford a  
7 lawyer to do that or otherwise unable to do it, you may notify  
8 the Clerk and the Clerk will file the notice of appeal for  
9 you.

10 Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay.

13 MR. MOORE: Your Honor, there's one other matter if  
14 I could. Sorry I didn't bring this up. There was a forfeiture  
15 allegation.

16 THE COURT: Yes, you're right. I actually wrote it  
17 down on my pad and then ignored it. Thank you.

18 Pursuant to the plea agreement and to your plea to  
19 the indictment, there's a forfeiture of property, specifically  
20 a Hewlett Packard ScanJet All in One Copier, Serial No.  
21 Q3434A. That property is to be forfeited to the government,  
22 and that will be reflected in the judgment as well.

23 Okay. Thank you.

24 (Adjourned, 2:30 p.m.)

25